

AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6230 Proposed amendments to Auburn City Code Chapter 18.29 relating to the Downtown Urban Center Zone (ZOA09-0002).		Date: April 14, 2009
Department: Planning, Building and Community	Attachments: Ordinance No. 6230 and Planning Commission meeting minutes.	Budget Impact: N/A

Administrative Recommendation:

City Council introduce and adopt Ordinance No. 6230.

Background Summary:

Recently a downtown business removed and replaced siding and removed windows on a portion of an existing structure that has frontage along Main Street. This type of project is considered an alteration and the building permit is issued "over the counter". Pursuant to Auburn City Code Section 18.29.020 site and exterior alterations that do not exceed 25 percent of the assessed valuation of the property (building or land) as determined by the Planning Director are exempt from the provisions of Chapter 18.29, which includes the Downtown Urban Center Design Guidelines. Since the project valuation did not exceed 25 percent of the assessed valuation for this project, compliance with the design guidelines was not required.

Draft code amendments addressing exemption levels for existing structures in the Downtown Urban Center (DUC) zone were brought before the Planning & Community Development Committee and Planning Commission for discussion. In general, the amendments will require any exterior alteration and/or building addition to an existing structure that has frontage on a designated pedestrian street to be reviewed under the adopted Downtown Design Guidelines.

On March 3, 2009, the Auburn Planning Commission held a public hearing on the proposed code amendments for proposed changes to the Downtown Urban Center zone addressing exemption levels for existing structures. The Planning Commission is advisory to the City Council and made a recommended approval of the proposed code amendments.

The Planning and Community Development Committee reviewed the proposed amendments at their March 23, 2009 meeting. The Committee did not recommend any substantive changes to the proposed amendments. The Public Works Committee reviewed the proposed amendments on April 6, 2009 and did not have any changes.

L0420-6

O3.4.1.1

Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input checked="" type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> COUNCIL COMMITTEES: <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input checked="" type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>	Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
---	---

Action:

Committee Approval: ☐ Yes ☐ No
 Council Approval: ☐ Yes ☐ No Call for Public Hearing ____/____/____
 Referred to _____ Until ____/____/____
 Tabled _____ Until ____/____/____

Councilmember: Norman	Staff: Baker
Meeting Date: April 20, 2009	Item Number: VIII.A.1

A. Findings

1. Title 18 of the Auburn City Code (ACC), related to zoning, includes Chapter 18.29 entitled "Downtown Urban Center" district which provides for regulation of downtown development and redevelopment within the City of Auburn.
2. The Downtown Urban Center zone is intended to create a distinct and strong identity for downtown Auburn by establishing land use and design standards for review of development proposals within the core area of the City of Auburn's designated Urban Center, in order to implement the City of Auburn Downtown Plan and the goals, policies and objectives of the Auburn Comprehensive Plan.
3. In general, the amendments will require all exterior alterations to existing structures for properties that have frontage on a designated Pedestrian Streets to comply with the Downtown Urban Center zone which includes the Downtown Design Guidelines.
4. The Downtown Design Guidelines, adopted by reference in Chapter 18.29, identify pedestrian streets, Pedestrian I and Pedestrian II. The amendments address exterior alterations on properties that have frontage on designated pedestrian streets. Pedestrian streets have been designated as such for their importance to downtown redevelopment, active pedestrian streetscape, and connection to Main Street.
5. These code amendments are supported by the City of Auburn Comprehensive Plan. The Comprehensive Plan land use map descriptions (Auburn Comprehensive Plan, Chapter 14) for the "Downtown" designation state, in part,

"Downtown

Purpose: To create a vibrant people oriented downtown which serves as the business, government, and cultural focal point of the community that includes multi-family residential development.

Description: The area should be developed in a manner which is consistent with and attracts pedestrian oriented activities..."

6. The adoption of an existing environmental document, Auburn Downtown Plan Environmental Impact Statement, was issued for the proposed amendments to Chapter 18.29 on February 4, 2009. No comments have been received as of the writing of this report.
7. Pursuant to RCW 36.70A.106, the proposed zoning code amendments outlined in this agenda bill were sent to the Washington State Office of Community, Trade, and Economic Development (CTED) and other state agencies as required for the 60-day state review and were received by CTED on February 6, 2009. The City received an acknowledgement letter via email on February 9, 2009. No comments were received from CTED or other state agencies as of the writing of this report.
8. The public hearing notice was published on February 16, 2009 in the Seattle Times at least 10-days prior to the Planning Commission public hearing scheduled for March 3, 2009.

9. The Planning Commission held a public hearing on March 3, 2009, took public testimony, and made a recommendation to the City Council.
10. The Planning and Community Development Committee reviewed the proposed amendments at their March 23, 2009 meeting and recommended approval to the full City Council at their April 13, 2009 meeting.
11. The Public Works Committee reviewed the proposed amendments at their April 6, 2009 meeting.
12. The following report outlines the proposed amendments to Chapter 18.29, Downtown Urban Center:

Discussion

An existing downtown business removed and replaced siding and removed windows on an existing structure that has frontage along Main Street. This type of project is considered an alteration and the building permit is issued "over the counter". Since the Downtown Urban Center zone was adopted by the City Council in 2007 the downtown business replacing siding was one of the first tests on how the exemption levels are applied and whether those levels are appropriate.

As proposed, exterior alterations to an existing structure or building additions will require design review. The proposed amendments are tiered to apply to exterior alterations for properties that front designated pedestrian streets (Pedestrian 1 & Pedestrian 2 per the Downtown Design Guidelines). For properties that do not front designated pedestrian streets the existing standard of alterations/additions that do not exceed a percentage of the assessed valuation of the property and building will apply. Part of this process will also include developing internal review procedures where the goal will be not to add review time to these types of building permit applications (e.g. additions/alterations) to accomplish design review.

Staff Recommendation

Approval

Planning Commission Recommendation

Approval of the proposed code amendments as recommended by staff.

Planning and Community Development Committee Recommendation

Approval of the proposed code amendments.

ORDINANCE NO. 6 2 3 0

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTION 18.29.020 OF THE AUBURN CITY CODE RELATING TO EXEMPTION LEVELS FOR IMPROVEMENTS TO EXISTING STRUCTURES WITHIN THE DOWNTOWN URBAN CENTER DISTRICT

WHEREAS, improvements to existing structures within the Downtown Urban Center district should be consistent with the adopted design standards; and

WHEREAS, designated pedestrian streets within the Downtown Urban Center district are key streets for downtown redevelopment and consistent architectural appearance is important; and

WHEREAS, following proper public notice, the City of Auburn Planning Commission held a public hearing on March 3, 2009, on proposed code amendments regarding exemption levels for improvements to existing structures within the Downtown Urban Center district; and

WHEREAS, after fully considering the testimony and information presented at the public hearing, on March 3, 2009, the Planning Commission made its recommendations for code amendments to the Auburn City Council; and,

WHEREAS, the City Council has reviewed and considered the Planning Commission recommendations; and,

WHEREAS, environmental review on the proposal has been completed in accordance with the requirements of the State Environmental Policy Act (SEPA), with a determination of non-significance (DNS) issued February 4, 2009; and,

WHEREAS, the City Council finds that the proposal was received by State agencies for the 60-day review period on February 9, 2009, also in accordance with state law, RCW 36.70A.106.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That section 18.29.020, of the Auburn City Code be and the same hereby is amended to read as follows:

18.29.020 Scope.

A. The downtown urban center zone may be applied to any property designated as "Downtown" on the Auburn comprehensive plan map.

B. Site plan and building design review and approval shall be required for all public and private development activities requiring permits within the downtown urban center zone unless exempted under subsection C of this section. The planning, building and community director is given the authority to require building design and site plans consistent with the design standards contained or referenced herein and to require revisions as necessary in order to ensure development is consistent with the purpose of this chapter.

C. The following activities, as determined by the Director, shall be exempt from the provisions of this chapter if the property has frontage on a pedestrian street as defined in the Downtown Urban Center Design Standards:

1. Interior alterations that do not alter the exterior appearance of a structure or modify an existing site condition;

2. Normal or routine building and site maintenance/repair that are exempt from permit requirements; and

3. Any remodeling or expansion of existing single family residences with no change in use or addition of dwelling units involved.

CD. The following activities, as determined by the director, shall be exempt from the provisions of this chapter if the property does not have frontage on a pedestrian street as defined in the Downtown Urban Center Design Standards:

1. Interior alterations that do not alter the exterior appearance of a structure or modify an existing site condition;

2. Site and exterior alterations that do not exceed ~~25~~10 percent of the assessed valuation of the property (building or land) per the most recent county records;

3. Building additions that are less than 10 percent of the existing floor area of the existing building(s). Any cumulative floor area increase (from the adoption date of the ordinance codified in this chapter) that totals more than 10 percent shall not be exempt; unless the director determines compliance with these standards would be unfeasible and/or unreasonable;

4. Normal or routine building and site maintenance/repair that is exempt from permit requirements;

5. Any remodeling or expansion of existing single-family residences with no change in use or addition of dwelling units involved. (Ord. 6071 § 6 (Exh. A), 2007.)

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

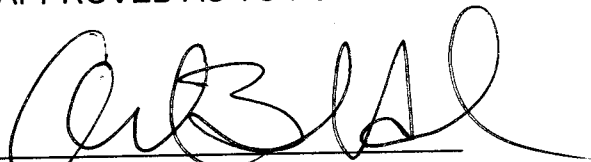
CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

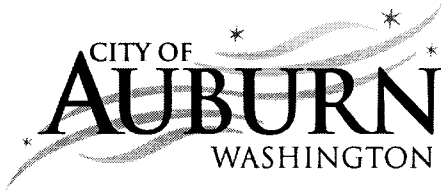
Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Published: _____



**DRAFT
PLANNING COMMISSION**

March 3, 2009

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA. Commission Members present were: Chair Judi Roland, Vice Chair Kevin Chapman, Dave Peace, Ron Copple, Peter DiTuri, Michael Hamilton, Robert Baggett and Joan Mason. Also present, were Principal Planner Elizabeth Chamberlain, Principal Planner Jeff Dixon, Environmental Protection Manager Kelly McLain Aardal, Director Planning, Building and Community Cindy Baker, and Planning Assistant Secretary Carolyn Brown.

Branka Vukshich was a member of the audience.

APPROVAL OF MINUTES

The Commissioners reviewed the minutes from the February 3, 2009 meeting.

Commissioner Mason moved to approve the minutes from February 3, 2009 meeting as corrected; seconded by Commissioner Baggett.

Under the heading Planning Department Report, paragraph, 1 line 4 change the wording from "At this time staff is probably wait until the March regular meeting" to read "At this time staff is waiting until the March regular meeting".

The motion passed unanimously 7-0.

PUBLIC COMMENT

No public comment.

PLANNING DEPARTMENT REPORT

Principal Planner Chamberlain provided a color architectural rendering of the new City Hall annex building: Auburn Professional Plaza. The ground floor business will be Key Bank located on the SE corner of the block; and other retail will be on the ground floor along Main Street, with some offices on first floor. The City's Permit Center will be on the second floor. Also, some city offices will be on the 3rd floor along with private business.

Principal Planner Dixon spoke briefly on the situation with the Howard Hanson dam and the Green River. The Army Corp of Engineers (ACOE) is asking jurisdictions downstream from the dam to be prepared. Different jurisdictions are developing and sharing response plans. The City of Auburn is being proactive regarding some of the low spots on the levees. The City of Auburn also has had community meetings to advise the residents of plans they should make. At this time ACOE does not have a time line on the repair.

Environmental Protection Manager Kelly McLain Aardal provided an update on the bird viewing tower located near Highway 167 and West Main. On December 15, there was a ground breaking ceremony for the birding tower and staff is looking at early March as a completion date. There have been no negative comments regarding the building of the tower.

PUBLIC HEARINGS

Item 1. Case Number ZOA09-0001: Amendment to Auburn City Code Chapters 18.22, 18.50, and 18.52 related to residential conversions within the Residential Office (RO) zone. The amendments propose changes related to development standards, landscaping, and parking.

Chair Roland opened the Public Hearing.

Branka Vukshich who resides at 11 F Street NW spoke regarding the ability of a small business to use off street parking. In the case where her residential office is located, there is trouble with a small alley. The City is requiring that the alley be repaved. She and her husband would like to see some help from the City for a small business. Mrs. Vukshich said in her opinion an alley is public property and should be paved by the City.

As there were no other audience members to speak, Chair Roland closed the Public Hearing.

Chair Roland asked staff to provide information on the proposed amendments. Ms. Chamberlain stated that several residential conversions have come to City staff for review. The City is looking for a way to streamline the process as it can be challenging to small business owners. Small business owners may not have the experience in converting an existing single family structure to a small office.

Ms. Chamberlain addressed the statement by Mrs. Vukshich regarding the unpaved alley. An additional section has been added, which will address the use of a structure as both a residence and business, and the parking could be addressed through a special exception for review by the Planning Director. The requirements to pave the alley come from the Public Works design standards. Each application will be case by case and a parking plan will need to be submitted, in order to address the concerns.

Ms. Chamberlain noted that Mr. Morchin had provided new additional information by mail and each Planning Commissioner was given a copy. Ms. Chamberlain noted that staff incorporated some of Mr. Morchin's comments were appropriate but other suggestions could not such as the traffic impact fee could not be waived. Ms. Chamberlain concluded that staff is recommending approval of the amendment.

Chair Roland asked for discussion. The Planning Commissioners discussed Chapter 18.22.

Commissioner DiTuri discussed Chapter 18.52 off-street parking, especially the parking for a conversion to a business on a narrow street. Off-street parking could impact other residents and users of the street. Ms. Chamberlain responded that one on street parking spot, if allowed, would count toward the off-street parking. If a business is required to have 4 parking spots, the on-street parking spot could count as one. Ms. Chamberlain stated on-street parking is not guaranteed to be available. The Commissioners asked if the City has seen a greater desire to add RO zoning in some locations. Ms. Chamberlain stated this is not a City wide zoning amendment. The only areas that have the RO zone are north of the hospital, along M Street, parts of Auburn Way S, around 12th Street SE, and East Main. Ms. Chamberlain also stated that the proposed amendments would permit tandem parking for employees only and will free up parking for clients. In the comments submitted by Mr. Morchin, he stated he would like to have additional on-street parking spaces for a conversion; however staff is not in favor of permitting more than one on street parking space to count towards the off street parking requirement. There needs to be a balance between residences that convert to commercial and the

residences that remain. Chair Roland added the fact that converted residences could go back to being a regular residence.

The Commissioners discussed the difference in sizes for a compact parking space and a standard parking space. Staff is recommending allowing all the required parking to be compact spaces. Ms. Chamberlain said the width is reduced by a foot, and the length by 3 feet from full size parking spaces to compact. Staff feels using all compact spaces will be the best option as most in home businesses do not have multiple clients at one time.

The Commissioners questioned the landscaping requirement. Ms. Chamberlain said each conversion will be done on a case-by-case basis, but the Planning Director can also make the decision. If an existing structure were to be torn down, the brand new building would have to comply with the 10 foot wide landscape strip. A landscape plan would have to be submitted for review. If landscaping was not sufficient to meet the intent of the code, then City could ask to have landscaping added and want to blend with character of the neighborhood.

Commissioner Peace moved to recommend ZOA-90001 move forward to City Council. Commissioner Hamilton seconded. Vice Chair Chapman added he would like to make sure the City ensures that the neighborhood stays residential and a new residential office won't impact the neighborhood.

The Planning Commission voted and the motion passed, 7-0.

Item 2 Case Number ZOA09-0002: Amendment to Auburn City Code Chapter 18.29 related to exemptions for existing structures within the Downtown Urban Center (DUC) zone.

Chair Roland opened the public hearing.

There was no one from the audience that wished to speak. Chair Roland closed the Public Hearing.

Chair Roland asked staff to provide information on the proposed amendments.

Ms. Chamberlain stated there have been no changes to the proposed amendments since the Planning Commission originally reviewed the information at their February meeting. If a property faces a pedestrian street any exterior changes or remodels will require a review for consistency with the Downtown Urban Center design standards. The second level of changes would be for a property that faces a non-pedestrian street. If the value of a remodel is less than 10% of the assessed value it would not require the design review process. Chair Roland asked how the value is determined. Ms. Chamberlain stated the assessed value is obtained from King County records and based on both land and building value. The review is based on job value as determined by permits and not an actual cost of the improvements.

The Commissioners discussed high valuations and possible appraisals.

The Commissioners discussed a single family residence in the Downtown Urban Center (DUC) being exempt from a design review. For example if someone wanted to paint a wild color in the DUC zone, the City would review. Director Baker added it is hard to regulate aesthetics and would have to discuss with legal. City may have to incorporate usage of certain hues.

The Commissioners discussed interior alterations, which are permitted. Certain modifications on the inside could impact the outside street because of large open windows, especially very bright lighting treatments that could alter an area. Ms. Chamberlain stated staff will try to develop a definition of existing site conditions and the 10% rule could trigger discussion on any extreme changes.

Commissioner Copple moved to recommend ZOA-90002 move forward to City Council. Commissioner DiTuri seconded. No further discussion.

The Planning Commission voted and the motion passed, 7-0.

OTHER BUSINESS

- Shoreline Master Program

Environmental Protection Manager Kelly McLain Aardal, provided an update on the Shoreline Master Program (SMP). Ms. Aardal stated the City Council adopted the program last year on the premise that the Department of Ecology would also adopt at the same time. However, Ecology and City of Auburn have different definitions and Ecology would like the City to strengthen the Program. On February 4, 2009, Ecology opened a comment period on the SMP. One resident, who lives along the Green River, was concerned that customary access to the river not be eliminated.

Ms. McLain Aardal said the City is still using the plan adopted in 1973. Definitions from the Auburn City Code have been changed by Ecology because of State language. Director Baker stated the City Council adopted the Program provisionally and if Ecology had accepted the City would not have to go back through the process.

Ms. McLain Aardal discussed the agriculture along the rivers, forest practices and flood plain. Levee maintenance is under the Army Corp of Engineers. Any continued agriculture use can continue but no new permitted use will be allowed. The Muckleshoot Tribe has considerable interest and will comment. The City will receive comments after the comment period is over since it is thru Dept of Ecology. The parks and city golf course along the river are being managed as to fertilizer use.

Ms. McLain Aardal stated she will come back to the April Planning Commission meeting for a public hearing regarding the SMP before it goes to the City Council for approval of the amended document. The goal of staff is to complete the document by the end of March, so there can be a 60 day comment period.

The Commissioners discussed pesticide use. Ecology had requested this be added because the use on City property (golf course, parks) normally applies to commercial use of pesticides and fertilizers. This particular request from Ecology does not impact individual homeowners. Pesticides are covered under storm water permits and critical area disturbance will limit the type of use of fertilizers.

Commissioner Peace asked to see any major changes at the April meeting. Ms. McLain Aardal stated she will have the comments by the middle of March and she will plan a public hearing in April and send out notices. If there are no significant changes the public hearing will be canceled. Ecology either wants the City to allow or not allow to build in the 200 foot set back buffer back from the river. Also no Conditional Use Permits would be allowed. The Commissioners would like to get an early final draft of the SMP to review before a hearing. If 5 or more of the Commissioners agree on a public hearing the hearing will be held.

- **Code Update Status**

Commissioner DiTuri asked if any other study sessions are scheduled on the code update. The next special Planning and Community Development Committee meeting is this Thursday, March 5. Staff is trying to make a six month deadline. No special Planning Commission meeting is scheduled at this time.

ADJOURNMENT

There being no further business, the Planning Commission adjourned at 8:35 p.m.